

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:18MJ02120
	:	
Plaintiff,	:	
	:	MAGISTRATE JUDGE
vs.	:	DAVID A. RUIZ
	:	
DEMETRIUS PITTS,	:	<u>DEFENDANT’S UNOPPOSED</u>
	:	<u>MOTION FOR COURT-ORDERED</u>
Defendant.	:	<u>COMPETENCY EXAMINATION AND</u>
	:	<u>COMPETENCY HEARING</u>

Defendant, through counsel, respectfully moves this Honorable Court, pursuant to 18 U.S.C. §4241, for a determination of Mr. Pitts’ competency to stand trial. In furtherance of this motion, defense counsel requests a psychiatric/psychological examination and report to assist the Court in making this determination. Once the report is completed, he requests a hearing on this issue.

Pursuant to 18 U.S.C. § 4241(a), a motion for a competency hearing shall be granted if there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. §4241(a). During defense counsel's representation of Mr. Pitts, it has come to counsel's attention that Mr. Pitts has longstanding mental health concerns and that he is presently prescribed medications for the same. This has given rise to counsel’s concern about the state of Mr. Pitts’ mental health. The requested competency evaluation would assist the Court in determining Mr. Pitts’ mental health status, his ability to understand the nature and consequences of the charge(s) against him, and his ability to assist in his defense.

Defense counsel has discussed this matter with Assistant U.S. Attorney Michelle Baeppler. She stated that the government has no objection to this request.

For these reasons, defense counsel requests that the Court grant this motion.

Respectfully submitted,

STEPHEN C. NEWMAN
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/s/Charles E. Fleming
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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2018, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/Charles E. Fleming
CHARLES E. FLEMING
Assistant Federal Public Defender